

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

-v-

Case No. : 2.22-MC-51143

Hon. Nancy G. Edmunds

KWAME KILPATRICK,

Defendant,

and

MICHIGAN DEPARTMENT
OF TREASURY,

Garnishee.

_____ /

**NOTICE OF OBJECTION TO GARNISHMENT
AND DEFENDANT'S REQUEST FOR HEARING
ON GARNISHMENT**

NOW COMES KWAME KILPATRICK, Defendant *In Pro Per*, pursuant to 18 U.S.C. §3664(h) and for his objections to the Application for Writ of Garnishment filed by the Government on or about February 23, 2024, states as follows:

1. This case involves collection of restitution arising out of a guilty verdict criminal court case that was brought and tried before this Honorable Court.

2. An application Writ of Garnishment was filed in this Court on February 23, 2024. (ECF No. 16)
3. Moreover, the application for writ of garnishment and clerk's notice of garnishment were supposedly served on the Defendant Objecting party on either February 23, 2024 and/or March 13, 2024. (E.C.F. No. 17). No such service of process took place.
4. More accurately, the Defendant was never served with either of the above-referenced documents on either of the subject dates.
5. As a matter of fact, the Defendant only gained actual knowledge of the subject proceedings through colleagues who told him about these proceedings after learning about the same through local media coverage.
6. As a result of the above-referenced notice by ambush, the Defendant has been forced to scramble to respond to what the Government improperly claims to be lawful notice of these proceedings (when the Defendant has yet to be properly served with process).
7. Because of the circumstances, Defendant has been unable to procure the services of an attorney to represent him in these proceedings on such short notice.

8. The amount claimed due and owing currently is \$164,434.42 after applying credits against to the subject judgment in the amount of \$1,554,022.69. (E.C.F. No. 16).
9. An accounting of how an original judgment in the amount of 1,718,457.11 which is now allegedly reduced to \$164,434.42 has never been afforded to the Defendant despite his right to have the same explained to him.
10. The above-stated judgment amount of \$1,718,457.11 was imposed jointly and severally against the Defendant and his co-Defendant Bobby Ferguson.
11. Defendant asserts that a simple and accurate application of the credits applied to the judgment that the Government is attempting to collect on suggests that the subject debt has been paid in full and that the Defendant should not be forced to pay a debt that he does not owe.
12. Additionally, Defendant should be allowed an evidentiary hearing to establish his response to the garnishment request that he has never been served with in the first place.
13. There is no lawful basis for garnishment, and even should this Court disagree with the Defendant's position he should be allowed to have a

hearing and even perhaps negotiate a payment plan that every other American citizen is entitled to under the circumstances.

14. Defendant asserts that contrary to what the Government claims, he has not been given full credit for payments received from the jointly and severally liable co-Defendant in accordance with 18 U.S.C. §3664(h). There has not been a full or accurate accounting of the forfeiture proceeds from the property taken from Co-Defendant Bobby Ferguson.

15. Additionally, Defendant objects to the continuing garnishment proceedings in this case because a grant of the same is without purpose. Specifically, as mentioned above, Defendant may not owe any funds to be garnished.

16. A proper accounting of this matter will bear out this point. Previous attempts to garnish assets that the Defendant has never owned has resulted in family members and loved ones having been subjected to inquiries that are no more than a witch hunt.

WHEREFORE, for the above-stated reasons, Defendant KWAME KILPATRICK submits the instant Objections to the Garnishment requested by the Government and respectfully prays that he be granted a hearing in the matter.

Respectfully submitted,

/s/Kwame Kilpatrick
Kwame Kilpatrick

Defendant *in Pro Per*

Dated: March 22, 2024

**MEMORANDUM IN SUPPORT OF
NOTICE OF OBJECTION TO GARNISHMENT
AND DEFENDANT'S REQUEST FOR HEARING
ON GARNISHMENT**

Defendant *In Pro Per*, relies on 18 U.S.C. §3664(h) in support of his objections to the Application for Writ of Garnishment filed by the Government on or about February 23, 2024.

WHEREFORE, for the above-stated reasons, Defendant KWAME KILPATRICK submits the instant Objections to the Garnishment requested by the Government and respectfully prays that he be granted a hearing in the matter.

Respectfully submitted,

/s/Kwame Kilpatrick

Kwame Kilpatrick

Defendant *in Pro Per*

Dated: March 22, 2024

Kwame Kilpatrick – Contact Information

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